

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH BERRY,

Plaintiff,

v.

THE CITY OF TACOMA AND PIERCE
COUNTY,

Defendants.

Case No. C10-5711 RJB

ORDER ADOPTING A REPORT AND
RECOMMENDATION DENYING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT

This matter comes before the Court on the Report and Recommendation of the Honorable J. Richard Creatura, United States Magistrate Judge, April 12, 2011. Dkt. 35. No objections have been filed to the Report and Recommendation.

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, and the remaining record, does hereby find and ORDER:

1. The Court adopts the Report and Recommendation (Dkt. 35);

ORDER - 1

2. Plaintiff's Motion for Summary Judgment is **DENIED**. Defendants have shown it is a question of fact as to whether they had probable cause to arrest and hold plaintiff.
3. The Clerk is directed to send a copy of this Order to Plaintiff, and to the Hon. J. Richard Creatura.

DATED this 9th day of May, 2011.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN
United States District Judge